IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9807 of 2005

Between:

Smt. M. Jyotsna, W/o MD. Kumar, Indian
R/o Patriknagar, Madapur, Serilingampalli Mandal, Ranga Reddy District

..... PETITIONER

AND

1 The Vice Chairman & Managing Director, Cyberabad Development Authority,
Prakashnagar, Begumpet, Hyderabad
2 The Commissioner, Serilingampalli Municipality, Serilingampalli, Ranga Reddy District
3 Smt. R. Sobha, W/o R. Sundravadana Government SErvent
R/o D. No. 1-45/2/5/A/10,
1st Avenue, 2nd street, Patrikanagar, Madapur
Serilingampalli Mandal, Ranga Reddy District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus; declaring the action of the respondents 1 and 2 in not initiating steps for the demolition of the illegal building construction of the 3rd respondent in S.No. 79 of Partikanagar layout Madapur Village, Serilingampalli Municipal limits which is being made without obtaining building permission and in utter violation of the building regulation; as illegal and arbitrary; and consequentially direct the 1st and 2nd respondents to implement the building regulations strictly for the building construction of the 3rd respondent and to remove the illegal constructions.

Counsel for the Petitioner:MR.M.PRABHAKARA RAO

Counsel for the Respondent No.1: MR.B.VISWANATHA REDDY

Counsel for the Respondent No.2 : Mr.Polisetti Radhakrishna

Counsel for the Respondent No.3 : None appeared.

The Court, at the stage of admission, made the following :

ORDER:

Heard learned counsel for the petitioner and the learned standing counsel appearing for the respondents 1 and 2.

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents 1 and 2 in taking necessary action on the basis of the representation of the petitioner dated 21.03.2005, wherein he has alleged that the third respondent herein has been proceeding with unauthorized constructions in S.No.79 adjacent to the petitioner's plot situated at Madapur village, Serilingampalli Mandal, Ranga Reddy District, thereby affecting the eastmentary rights of the petitioner.

Having regard to the facts and circumstances of the case, without expressing any opinion as to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the respondents 1 and 2 to consider the representation of the petitioner dated 21.03.2005 and to pass appropriate orders in accordance with law, after affording due opportunity to the third respondent to rebut the allegations made against her, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. No costs.

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27.04.2005

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To

1 The Vice Chairman & Managing Director, Cyberabad
Development Authority, Prakashnagar, Begumpet,
Hyderabad.

2 The Commissioner, Serilingampalli Municipality,
Serilingampalli, Ranga Reddy District.
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